

Subchapter Fifteen: Requests for Reasonable Accommodations

5.15.010 Purpose

This subchapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing or to public facilities under the Federal Fair Housing Act, the California Fair Employment and Housing Act and Health and Safety Code sections 19955 *et seq.* (the Acts) in the application of zoning laws, building codes, and other land use regulations, policies and procedures.

[History: ORD. 652, 1/10/07]

5.15.020 Applicability

(a) *Authorized Applicants.* A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law, building code or other land use regulation, policy or practice acts as a barrier to fair housing opportunities or to use of public facilities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or any who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

(b) *Elimination of Regulatory Barriers.* A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. A request for reasonable accommodation shall comply with Section 5.15.030 (Application requirements) of this chapter.

5.15.030 Application Requirements

(a) *Application.* A request for reasonable accommodation shall be initiated by submitting to the Planning Department a completed application form, signed by the property owner or authorized agent, accompanied by the required fee, and the following information submitted in the form of a letter to the City Planner:

- (1) The applicant's name, address and telephone number;
- (2) Address of the property for which the request is being made;
- (3) The current use of the property;
- (4) The basis for the claim that the individual is considered disabled under the Acts;

- (5) The zoning code provision or other city regulation or policy from which reasonable accommodation is being requested; and
- (6) An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual.

(b) *Review with Other Planning Applications.* If the project for which the request for reasonable accommodation is being made also requires some other discretionary planning approval (such as a use permit, environmental and design review permit, zone change, general plan amendment or subdivision), then the applicant shall file the information required by subsection A of this section together for concurrent review with the application(s) for discretionary approval.

[History: Ord. 652, 1/10/07]

5.15.040 Review Authority

(a) The City Manager shall appoint a person to review all requests for reasonable accommodation where no planning approval is sought other than the request for reasonable accommodation.

(b) A request for reasonable accommodation submitted for concurrent review with another discretionary planning approval shall be reviewed by the person or authority reviewing the discretionary planning application.

[History: Ord. 652, 1/10/07]

5.15.050 Public Notice

(a) *City Manager Review.* For a request subject to review by a person appointed by the City Manager, a notice shall be mailed to the owners of record of all properties which are immediately adjacent to the project which is the subject of the request at least fifteen (15) days prior to the decision by the reviewing authority.

(b) *Other Review Authority.* For a request made in conjunction with another discretionary planning approval, notice shall be given in the manner prescribed for the other discretionary planning application.

[History: Ord. 652, 1/10/07]

5.15.060 Findings and Decision

(a) *Findings.* The written decision to grant or deny a request for reasonable accommodation shall be consistent with the Acts and shall be based on consideration of the following factors:

- (1) Whether the housing, which is the subject of the request, will be used by an individual with a disability under the Acts;
- (2) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- (3) Whether there is an alternative accommodation which may provide an equivalent level of benefit;
- (4) Whether the requested accommodation would negatively impact surrounding uses or properties;
- (5) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city; and
- (6) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning.

(b) *Conditions of Approval.* In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in subsection (a) of this section.

[History: Ord. 652, 1/10/07]

5.15.070 Appeal of Determination

A determination by the review authority to grant or deny a request for reasonable accommodation may be appealed in accordance with section 1.02.140 of the Colma Municipal Code.

[History: Ord. 652, 1/10/07]

